REMARKS

By the present amendment, claim 1 has been amended, claims 2 and 3 have been cancelled, and claims 4-7 have had their dependency changed from claim 2 to claim 1. Claims 8 and 9 have been added. Claims 1 and 4-9 are currently pending in the application.

Claim 1 was rejected under 35 U.S.C. as being unpatentable in view of U.S. Patent No. 6,084,694 to Milton. In view of the amendments to claim 1, it is respectfully submitted that this rejection has been overcome.

Claims 2-7 were rejected under 35 U.S.C. 103 as being unpatentable in view of U.S. Patent No, 6,084,694 to Milton in view of U.S. Patent No. 6,137,800 to Wiley. This rejection is respectfully traversed. In the rejection, it is stated that Milton fails to teach a cell format module but that modification of Milton to provide such a feature would have been obvious in view of the teachings of Wiley. However, while the Milton system may be compatible with multiple protocols, each individual channel is not. For example, in claims 9 and 10 Milton emphasizes that at least two optical signals have different transmission protocols. That is, SONET traffic would be placed on one optical signal and traffic of a different format would be placed on a different optical signal. In contrast, the present invention permits a single optical channel to carry traffic of plural formats.

The secondary reference to Wiley does not overcome the deficiencies of the primary reference to Milton. Wiley relates to a system and method for making a call using ATM switching. Interworking unit 202 is used to convert TDM formatted user communications to ATM cells (col. 12, lines 10-12). In contrast, the present system does not convert TDM to ATM but provides a system whereby both formats can coexist on the

same optical channel. Further, the add-drop multiplexers of the Wiley system are electrical, not optical as set forth in the instant claims. Thus it is not seen that a person of ordinary skill in the telecommunications art would combine the primarily electrical switching system of Wiley with the primarily optical switching system of Milton.

Concerning the use of a TDM format module, the Office action states that Wiley teaches the conversion of ATM signals to TDM signals for transmission over conventional SONET paths. It is further states that "One skilled in the art would clearly have recognized that since the format module taught by Wiley has the ability to convert between the ATM and TDM formats, there would have been a reasonable expectation of success for one skilled in the art to use the very same format module to convert user information in an ATM format to a TDM format and incorporate this feature in the device of Milton" (page 5 of the Office action). However, even assuming that such a combination would be obvious, the combination still would not teach or suggest the claimed invention. In the claimed invention, there is no "conversion" between ATM and TDM formats. TDM traffic passes through a TDM format module while ATM, IP, MPLS, Gigabit Ethernet, and Ethernet traffic passes through a cell module. It is noted that claim 1 currently recites both the cell module and TDM module to avoid any possible confusion concerning this issue. Thus it is believed that claim 1 is in condition for allowance.

Dependent claims 4-9 are considered to be in condition for allowance at least due to their dependence from allowable claim 1.

In view of the foregoing amendments and remarks, it is submitted that all of the claims currently pending in the application are in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,

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